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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/633,155

Applicant(s)

PECINA ET AL.

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/28.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RD

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/28/2005 have been fully considered but they are not persuasive. Please see the following reasons and the new grounds of rejection below.
2. Regarding claim 1, the applicant argues that the reference to Klein fails to teach the newly added claim limitation of updating the second database while the first database continues to provide data to the device. The applicant argues that this is because the reference to Klein requires that the primary database at some point go off line. The argument is not persuasive because nothing in the claims precludes moving the primary database offline after it is updated as shown in Klein. Klein clearly teaches that the primary database continues to provide data while the secondary database is being upgraded (column 5, lines 35-38). It is only after the secondary database upgrade is complete that the primary database is moved offline. The reference teaches all of the claim limitations as currently written.
3. On page 8, paragraph 3, the applicant argues that Klein is installing new software on the database device instead of updating the database. The argument is not persuasive because installing new software is a type of update.
4. On page 9, paragraphs 3-4, the applicant argues that the successful reboot of the machine in Klein is not a detection of commitment of the upgrade and that the upgrade of Klein may take place and the transaction database still be "outdated". The argument is not persuasive because a successful reboot is sufficient to consider the

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upgrade to be complete. Nothing in the claim refers to one of the databases being "outdated".

5. All further arguments are moot in view of the new grounds of rejection below.

Claim Rejections - 35 USC § 103

6. Claims XXXX are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (USPN 6,157,932) in view of Chamberlain et al. (USPN 6,735,766).

7. Regarding claim 1, Klein et al. (USPN 6,157,932) teach a system for operating a network device including an embedded first configuration database and an embedded second configuration database with means for:

- a. Providing for a first configuration database (figure 1, element 125; column 3, lines 66-67).
- b. Operating the network device with the first configuration database as a primary configuration database (figure 1, element 125; column 3, lines 66-67).
- c. Providing for a second configuration database storing backup data corresponding to the data contained in the first configuration database (figure 1, element 130; column 4, lines 3-4).
- d. Operating the network device with the second configuration database as a backup configuration database (figure 1, element 130; column 4, lines 3-4).

- e. Replicating modifications made to the first configuration database to the second configuration database (column 4, lines 17-22; column 5, lines 3-8)
- f. Detecting a configuration database upgrade operation (figure 2a; column 5, lines 24-26).
- g. Stopping replication of data from the first configuration database to the second configuration database (column 5, lines 9-13).
- h. Upgrading the second configuration database while the first configuration database continues to provide configuration data to the network device (column 5, lines 24-27, 35-39).
- i. Switching over to use the second configuration database as the primary configuration database (column 6, lines 19-22).

Although the system disclosed by Klein et al. (USPN 6,157,932) shows substantial features of the claimed invention, it fails to disclose means wherein the configuration database contains data for configuring the network device.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,932) as evidenced by Chamberlain et al. (USPN 6,735,766).

In an analogous art, Chamberlain et al. (USPN 6,735,766) discloses a system for database management and upgrading wherein the configuration database contains data for configuring the network device (column 3, line 66 – column 4, line 3).

Given the teaching of Chamberlain et al. (USPN 6,735,766), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Klein et al. (USPN 6,157,932) by implementing the database upgrade on a database that houses configuration information for the network device. This benefits the system because configuration information is especially valuable to a working network and its integrity must be assured. Please note that any type of database would benefit from the upgrading method of Klein et al. (USPN 6,157,932).

8. Regarding claim 2, Klein et al. (USPN 6,157,832) teach all the limitations as applied to claim 1. They further teach means for:

- a. Detecting commitment of configuration database upgrade (column 6, lines 33-37).
- b. Operating the network device with the first configuration database as a backup database (column 6, lines 51-54, 60-64).
- c. Replicating modifications made to the second configuration database to the first configuration database (column 6, lines 51-54, 60-64).

9. Regarding claim 3, Klein et al. (USPN 6,157,832) teach all the limitations as applied to claim 1. They further teach means for:

- a. Detecting errors with the configuration database upgrade (column 6, lines 33-37).
- b. Switching over to use the first configuration database as the primary configuration database (column 7, lines 25-35).

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10. Regarding claim 4, Klein et al. (USPN 6,157,832) teach all the limitations as applied to claim 1. They further teach means for receiving a configuration control file from a network management server, and executing the configuration control file (column 8, lines 48-52).

11. Regarding claim 15, Klein et al. (USPN 6,157,832) teaches all the limitations as applied to claim 1. They further teach a first processor component and means for maintaining the first configuration database through the first processor component and operating the first processor component as a primary processor component (figure 1, element 125; column 3, lines 66-67).

Although the system disclosed by Klein et al. (USPN 6,157,832) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose specifically a first printed circuit board.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) by specifically pointing out the use of a printed circuit board in the construction of the primary and secondary machines. This allows the system to function and is a very common method of implementing computer instructions.

12. Regarding claim 16, Klein et al. (USPN 6,157,832) teaches all the limitations as applied to claim 15. They further teach a second processor component and means for maintaining the second configuration database through the second processor

component and operating the second processor component as a backup processor component (figure 1, element 125; column 3, lines 66-67).

Although the system disclosed by Klein et al. (USPN 6,157,832) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose specifically a second printed circuit board.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) by specifically pointing out the use of a printed circuit board in the construction of the primary and secondary machines. This allows the system to function and is a very common method of implementing computer instructions.

13. Regarding claim 17, Klein et al. (USPN 6,157,832) teach all the limitations as applied to claim 16. They further teach means for switching over to use the second processor component as the primary processor (column 6, lines 19-22).

Although the system disclosed by Klein et al. (USPN 6,157,832) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose specifically a second printed circuit board.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) by specifically

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pointing out the use of a printed circuit board in the construction of the primary and secondary machines. This allows the system to function and is a very common method of implementing computer instructions.

14. Regarding claim 18, Klein et al. (USPN 6,157,832) teach all the limitations as applied to claim 2. They further teach means for saving the upgraded second configuration database to persistent memory (column 4, lines 10-22).

15. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (USPN 6,157,932) in view of Chamberlain et al. (USPN 6,735,766) and Nilsson (USPN 6,081,811).

16. Regarding claim 19, Klein et al. (USPN 6,157,832) teach a system for managing a network with means for:

- a. Operating the network device with the first configuration database as a primary configuration database (figure 1, element 125; column 3, lines 66-67).
- b. Operating the network device with the second configuration database as a backup configuration database; the second configuration database containing backup data corresponding to the data contained in the first configuration database (figure 1, element 130; column 4, lines 3-4).
- c. Replicating modifications made to the first configuration database to the second configuration database (column 4, lines 17-22; column 5, lines 3-8)

- d. Replicating the changes to the first configuration database to the second configuration database (column 4, lines 17-22; column 5, lines 3-8).
- e. Stopping replication of data from the first configuration database to the second configuration database (column 5, lines 9-13).
- f. Upgrading the second configuration database while the first configuration database continues to provide configuration data to applications executing on the network device (column 5, lines 24-27, 35-39).
- g. Switching over to use the second configuration database as the primary configuration database (column 6, lines 19-22).

Although the system disclosed by Klein et al. (USPN 6,157,832) shows substantial features of the claimed invention, it fails to disclose:

- a. That the configuration database contains data for configuring the network device
- b. Sending SQL commands from network management server to the network device.
- c. Executing the SQL commands to write a software load record indicating a configuration database upgrade in a table within the first configuration database.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832), as evidenced by Chamberlain et al. (USPN 6,735,766) and Nilsson (USPN 6,081,811).

In an analogous art, Chamberlain et al. (USPN 6,735,766) discloses a system for database management and upgrading wherein the configuration database contains data for configuring the network device (column 3, line 66 – column 4, line 3).

Given the teaching of Chamberlain et al. (USPN 6,735,766), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Klein et al. (USPN 6,157,932) by implementing the database upgrade on a database that houses configuration information for the network device. This benefits the system because configuration information is especially valuable to a working network and its integrity must be assured. Please note that any type of database would benefit from the upgrading method of Klein et al. (USPN 6,157,932).

Further, in an analogous art, Nilsson (USPN 6,081,811) discloses a system for database upgrades with means for:

- a. Sending SQL commands from network management server to the network device (column 8, lines 11-24).
- b. Executing the SQL commands to write a software load record indicating a configuration database upgrade in a table within the first configuration database (column 8, lines 11-24).

Given the teaching of Nilsson (USPN 6,081,811), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying

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Klein et al. (USPN 6,157,832) by employing the use of SQL to provide the database updates. This benefits the system because SQL is standard for database usage and allows the system to support several different database vendors.

17. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (USPN 6,157,932) and Chamberlain et al. (USPN 6,735,766) as applied to claim 4 above, and further in view of Nilsson (USPN 6,081,811).

18. Regarding claim 5, although the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) (as applied to claim 4) shows substantial features of the claimed invention, it fails to disclose means for:

- a. Receiving a data definition language (DDL) file including structured query language (SQL) commands.
- b. Wherein executing the configuration control file comprises executing the SQL commands to construct an upgraded database schema in the second configuration database.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766), as evidenced by Nilsson (USPN 6,081,811).

In an analogous art, Nilsson (USPN 6,081,811) discloses a system for database conversion with means for:

- a. Receiving a data definition language (DDL) file including structured query language (SQL) commands (column 8, lines 11-24).

- b. Wherein executing the configuration control file comprises executing the SQL commands to construct an upgraded database schema in the second configuration database (column 8, lines 11-24).

Given the teaching of Nilsson (USPN 6,081,811), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) by employing the use of a DDL with SQL to provide the database updates. This benefits the system because SQL is standard for database usage and allows the system to support several different database vendors.

19. Claims 6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (USPN 6,157,932) and Chamberlain et al. (USPN 6,735,766) as applied to claim 1 above, and further in view of Waldin et al. (USPN 6,651,249).

20. Regarding claim 6, although the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means for receiving an upgrade notification from a network management system server.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766), as evidenced by Waldin et al. (USPN 6,651,249).

In an analogous art, Waldin et al. (USPN 6,651,249) discloses a system for distributed software update with means for receiving an upgrade notification from a network management system server (column 3, lines 9-10; column 4, lines 3-4).

Given the teaching of Waldin et al. (USPN 6,651,249), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) by employing the use of a server to provide update notification. This benefits the system by allowing a server to provide updates and ensuring that the updated software is the single, most up to date version.

21. Regarding claim 13, although the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means for receiving upgraded applications from a network management server.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766), as evidenced by Waldin et al. (USPN 6,651,249).

In an analogous art, Waldin et al. (USPN 6,651,249) discloses a system for distributed software update with means for receiving upgraded applications from a network management server (column 3, lines 9-10; column 4, lines 3-4).

Given the teaching of Waldin et al. (USPN 6,651,249), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) by employing the use of a server to provide upgraded applications. This benefits the system by allowing a server to provide upgraded applications and ensuring that the updated software is the single, most up to date version.

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22. Regarding claim 14, although the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means for receiving new applications from a network management server.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766), as evidenced by Waldin et al. (USPN 6,651,249).

In an analogous art, Waldin et al. (USPN 6,651,249) discloses a system for distributed software update with means for receiving new applications from a network management server (column 3, lines 9-10; column 4, lines 3-4).

Given the teaching of Waldin et al. (USPN 6,651,249), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) by employing the use of a server to provide new applications. This benefits the system by allowing a server to provide new applications and ensuring that the new software is the single, most up to date version.

23. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (USPN 6,157,932), Chamberlain et al. (USPN 6,735,766) and Waldin et al. (USPN 6,651,249) as applied to claim 6 above, and further in view of Nilsson (USPN 6,081,811).

24. Regarding claim 7, although the system disclosed by Klein et al. (USPN 6,157,832), Chamberlain et al. (USPN 6,735,766) and Waldin (as applied to claim 6)

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shows substantial features of the claimed invention, it fails to disclose means for receiving SQL commands from the network management server and executing the SQL commands.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832), Chamberlain et al. (USPN 6,735,766) and Waldin et al. (USPN 6,651,249), as evidenced by Nilsson (USPN 6,081,811).

In an analogous art, Nilsson (USPN 6,081,811) discloses a system for database conversion with means for receiving SQL commands from the network management server and executing the SQL commands (column 8, lines 11-24).

Given the teaching of Nilsson (USPN 6,081,811), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832), Chamberlain et al. (USPN 6,735,766) and Waldin et al. (USPN 6,651,249) by employing the use of SQL to provide the database updates. This benefits the system because SQL is standard for database usage and allows the system to support several different database vendors.

25. Regarding claim 8, Klein et al. (USPN 6,157,832) teaches the limitations as applied to claim 7. They further teach means for writing a software load record indicating a configuration database upgrade in a table in the first configuration database (column 8, lines 48-52).

26. Regarding claim 9, although the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) (as applied to claim 8) shows

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substantial features of the claimed invention, it fails to disclose specifically means wherein the table comprises a software management system table.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766), as evidenced by Waldin et al. (USPN 6,651,249).

In an analogous art, Waldin et al. (USPN 6,651,249) discloses a system for distributed software updates with means wherein the table comprises a software management system table (column 3, lines 9-10; column 4, lines 3-4).

Given the teaching of Waldin et al. (USPN 6,651,249), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) by employing software management tables. This benefits the system by allowing an accurate record of upgrades and updates to be kept.

27. Regarding claim 10, although the system disclosed by Klein et al. (USPN 6,157,832), Chamberlain et al. (USPN 6,735,766) and Waldin (as applied to claim 6) shows substantial features of the claimed invention, it fails to disclose means wherein the SQL commands are received within a DDL file.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832), Chamberlain et al. (USPN 6,735,766) and Waldin et al. (USPN 6,651,249), as evidenced by Nilsson (USPN 6,081,811).

In an analogous art, Nilsson (USPN 6,081,811) discloses a system for database conversion with means wherein the SQL commands are received within a DDL file (column 8, lines 11-24).

Given the teaching of Nilsson (USPN 6,081,811), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832), Chamberlain et al. (USPN 6,735,766) and Waldin et al. (USPN 6,651,249) by employing the use of a DDL with SQL to provide the database updates. This benefits the system because SQL is standard for database usage and allows the system to support several different database vendors.

28. Regarding claim 11, although the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) (as applied to claim 8) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the table comprises a software management system table.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766), as evidenced by Waldin et al. (USPN 6,651,249).

In an analogous art, Waldin et al. (USPN 6,651,249) discloses a system for distributed software updates with means wherein the table comprises a software management system table (column 3, lines 9-10; column 4, lines 3-4).

Given the teaching of Waldin et al. (USPN 6,651,249), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Klein et al. (USPN 6,157,832) and Chamberlain et al. (USPN 6,735,766) by

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employing software management tables. This benefits the system by allowing an accurate record of upgrades and updates to be kept in the database.

29. Regarding claim 12, Klein et al. (USPN 6,157,832) teaches all the limitations as applied to claim 11. They further teach means for causing the second configuration database to cease replicating data changes made to the first configuration database (column 5, lines 9-13).

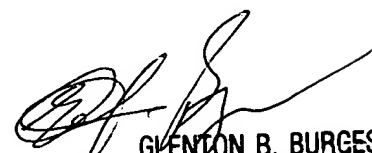
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (571)272-3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100